

REMARKS

In the instant application, Claims 1, 10-14, 22-31 and 39 stand rejected by the Office Action dated September 2, 2009, original Claims 2-9, 15-21 and 32-28 having been indicated for cancellation by Applicant's reply filed on August 6, 2007. Applicants hereby cancel Claims 5-9, 17-25, 27 and 34-39. Claims 2-4, 15-16 and 32-33, previously indicated for cancellation, have *not* been canceled but instead have been amended to limit their scope to subject matter closely related to the compound species -- N-(2-amino-2-oxoethyl)spiro[2.5]octane-1-carboxamide -- which was elected for purposes of examination. The other pending claims, Claims 1, 10-14, 26 and 28-31, have been amended as well. Entry of these amendments, which find full support in the specification and claims as filed, is respectfully requested.

The above amendments are believed to place the application in a condition for allowance. Specifically: Of the original method-of-use claims (Claims 1-25 and 39), only those directed to a method of treating migraine, epilepsy, or bipolar disorder remain. These three claimed methods of treatment are joined by an awareness in the art, cited beginning at page 2 of the specification, that anti-epileptic drugs find use also in treating other disorders, as in the case of valproate drugs which are particularly useful in the treatment of bipolar disorder and migraine. In testing of representative compounds of the invention (reported beginning at page 47 of the specification), it was found that these compounds exerted anticonvulsant effects at effective doses (ED₅₀) of one-half to one-sixth that of the valproate reference, demonstrating their potential for use in anti-epileptic therapy.

Moreover, the range of compounds of Formula (I) for which therapeutic use is being claimed has been significantly narrowed. The core polycyclic structure is that of a spiro[2.5]octane, that is, one in which A is optionally substituted cyclohexyl. The substituent R₁ is either hydroxyl or NR₃R₄, with R₃ and R₄ being greatly narrowed to hydrogen, carboxyalkyl, hydroxyalkyl and (NH₂)carbonylalkyl. The terms objected to in the Examiner's rejection under 35 USC § 112 are no longer used.

Accordingly, Claims 1-4 and 10-16 are now directed to the use of a limited set of compounds in the treatment of a limited and related set of disorders. Applicants respectfully

urge that these method-of-use claims, as amended, do in fact find adequate support in the application as filed and request allowance of the same.

As to the remaining claims, Claims 26 and 28-33, which are directed to the compounds of the present invention: These, too, have been amended to limit the claimed compounds to those reasonably related in their core structure to the elected species. However, in contrast to the compounds of Formula (I) employed in the claimed methods of use, the claimed compounds of Formula (II) -- while similarly limited to those in which A is optionally-substituted cyclohexyl -- retain some of the substituent terms objected to by the Examiner as failing to provide an adequate description of the claimed subject matter. Applicants respectfully submit that, despite the definitional use of the phrase "not limited to", the intended meaning and scope of the terms so defined are appropriate to the description of ancillary moieties, so long as the core structure of the claimed compounds is clearly defined and found to be patentable.

Here, the core of all claimed compounds is a spiro[2.5]octane carboxamide. Despite the wide range of possible substituents R₃, R₄, R₅, R₆, R₇ and R₈, Applicants submit that a limitation to only those moieties specifically recited in the specification would unreasonably exclude from the scope of the claims such compounds as might be made by additional, minor additions. A reconsideration of the current rejection, and an allowance of the claims as amended, is therefore respectfully requested.

Conclusion

In view of the amendment and the aforementioned remarks, Applicants believe that the application is now in a condition for allowance and respectfully request the withdrawal of all outstanding rejections and allowance of the claims as amended.

Should the Examiner have any concerns regarding the above, please contact the undersigned at the telephone number list below. Finally, the Commissioner is hereby authorized to charge any additional Filing Fees required under 37 CFR §1.16, as well as any patent application processing fees under 37 CFR §1.17 associated with this communication for which full payment has not been tendered, as well as underpayment, including extension of time, to Deposit Account No. 01-0025.

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Respectfully submitted,
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